

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Omar Hervis

v.

Civil No. 09-cv-158-JD

United States of America

O R D E R

Omar Hervis, proceeding pro se, seeks relief under 28 U.S.C. § 2255, alleging ineffective assistance of counsel. The government filed an "Opposition to Petition," and Hervis moved for the court's assistance in obtaining a copy of his file from his counsel in the criminal proceeding and in obtaining transcripts from that proceeding. The court construed the government's "Opposition" as its answer, directed the government to file a motion for summary judgment after September 30, 2009, allowed Hervis thirty days from the filing date to respond to the motion for summary judgment, ordered Hervis's former counsel to give Hervis's file to his daughter, and directed the clerk of court to send Hervis copies of the transcripts he requested.

Hervis now has filed a motion asking the court to order the government to provide him with copies of two unpublished decisions that are cited in the government's "Opposition" (which is the answer) and to grant him an extension of thirty days from the time he receives the cases to reply to the government's

"Opposition". In response, the government represents that although it is not required to do so, it is sending copies of the cases to Hervis.

To clarify, the government's pleading titled "Opposition to Petition" is its answer. No response is necessary. At present, the government has no motion pending that would require a response from Hervis. Further, because the government is providing the copies Hervis seeks, no issue remains about his access to those cases.

Conclusion

For the foregoing reasons, Hervis's motion for cases and an extension of time (document no. 9) is denied as moot.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

September 23, 2009

cc: Omar Hervis, pro se
Aixa Maldonado-Quinones, Esquire